**Title III Updates**

**September 2011**

The information below is to assist you in getting started for the upcoming school year. If you have questions or need information on other Title III requirements, please contact Nancy Rowch at 402.471.2477, [nancy.rowch@neraska.gov](mailto:nancy.rowch@neraska.gov); or Terri Schuster at 402.471.4694, [terri.schuster@nebraska.gov](mailto:terri.schuster@nebraska.gov)

**Parent Notification**

Don’t forget that you must notify parents of LEP children no later than **30 days** after the beginning of each school year of the following:

* The reasons for the identification of their child as LEP
* The child’s level of English proficiency, how it was assessed and the status of the child’s academic achievement
* The method of instruction used in the program in which the child we be participating and the methods used in other available programs
* How the program will meet the educational strengths and needs of their child
* The specific exit requirements for the program, expected rate of transition from the program into classrooms that are not tailored for LEP students, and the expected rate of graduation for students in secondary schools
* For LEP students with a disability, how the program meets the objectives of the student’s IEP
* Other information
  + The right that parents have to immediately remove their child from a program upon request (Note: Districts still have the responsibility to ensure that English is taught to LEP students whose parents withdraw them from a program under Title VI of the Civil Rights Act).
  + The option that parents can decline to enroll their child in such program or to choose another program or method of instruction if available
  + Assisting parents in selecting among the various programs and methods of instruction if more than one is offered

**TransACT**

Nebraska has a statewide license to the TransACT library of forms. At this point, districts have access to the GenEd Parent Notifications (which are available in multiple languages) and the NCLB Parent Notifications (available only in English). Sample forms that are required under Title III can be found in the GenEd folder.

TransACT has changed the look of their page and has added a “fill-in and save” feature. If you have any questions on how to log on to TransACT or how to navigate their page, please contact them at [support@transact.com](mailto:support@transact.com) or by phone at 425.977.2100.

**K-12 Guidelines for English Language Proficiency**

Under the leadership of the North Central Comprehensive Center, the Nebraska Department of Education convened a group of educators from across the state to look at our ELL Guidelines (standards) and the alignment/linkage to the most recent Nebraska Language Arts standards. The ELL Guidelines HAVE NOT changed; only the alignment/linkage to the language arts standards is updated. You’ll find these revisions on our home page:

<http://www.education.ne.gov/natlorigin/Limited_English_Guidelines.html>

We are in the process of developing training on the ELL Guidelines with the assistance of NCCC. Please remember that your ELL program/curriculum needs to be aligned to the *K-12 Guidelines for English Language Proficiency.*

**ELDA Details for Spring 2012**

You and/or your District Assessment Coordinator will continue to receive periodic updates regarding ELDA. In the meantime, here are some important dates:

* ELDA Uploads – December 7 (tentative): Be sure that the listing of LEP eligible students is correct on NSSRS. That field is used to upload data to Measurement Inc in order to print labels for the spring 2012 ELDA administration.
  + ALL students identified as LEP must be tested on ELDA. We account for **ALL** ELDA pre-ID labels after the testing has been completed, including those labels that may not have been applied to an answer document through any oversight on the part of the district. LEP students new to the district within the ELDA testing window must also be administered the ELDA.
  + The ELDA Scoring Rules are applied for all students identified as LEP eligible.
    - The 2010 Accountability Manual can be found at the following URL. It will be updated based on the 2011 ELDA results.

<http://www.education.ne.gov/natlorigin/PDF/Title%20III%20accountabiliy%202011.pdf>

* ELDA Testing Window – February 13 through March 23

**Annual Measurable Achievement Objectives**

On September 14, 2011 we met with the AYP Task Force to discuss our method of determining if districts have met the Title III Annual Measurable Achievement Objectives (AMAOs). The Task Force assists the Nebraska Department of Education in all aspects of accountability decisions for both NeSA and ELDA (English Language Development Assessment). In the past, we chose to follow the same procedures for AMAOs as for AYP; that is, a district must not meet the **SAME** AMAO for two consecutive years in order to be in improvement status. This process was in place during our last Title III monitoring visit in 2007.

However, as a result of our Title III monitoring visit in May, we were informed that the procedure should be that if a district has not met **ANY** AMAO for two consecutive years, they are in improvement and a plan must be completed. This will be a change in the way AMAOs are calculated based on the Spring 2011 ELDA results.

If a district is notified that it is in Title III improvement status, an amendment must be made on the Grants Management System (GMS). There is a new tab on the NCLB application (NCLB Consolidated) entitled “Improvement Plans” and one that specifically addresses Annual Measurable Achievement Objectives. It asks to address the factors that prevented the district from achieving AMAOs. In addition, you will be asked to identify the specific goals and activities the applicant will institute to address the AMAO objectives that were not met. The appropriate reviewer from the NDE NCLB staff will either approve the amendment with the AMAO improvement plan or return it if additional details or information is needed.

**NCLB – Title III Grant Applications 2011-2012**

* **Two percent limitation on administrative costs for Title III LEP Programs:**
  + Please remember that there is a 2% limitation on administrative costs for the Title III LEP Programs. This means that a grantee cannot claim more than 2% for administrative AND indirect costs combined. Administrative costs include, but are not limited to:
    - Developing plans, applications and completing reports
    - Maintaining appropriate records and documentation
    - Supervising staff
    - Overseeing budgets and expenditures
    - Monitoring implementation
    - Understanding and sharing program information requirements
    - Developing strategies and activities for implementation
    - Conducting program evaluations
  + Indirect costs rates are calculated by the School Finance and Organization Services section of NDE annually and are included on the Budget Detail of the NCLB application.
* **Title III LEP Program Information:** 
  + Remember that under Title III, districts cannot use Title III funds to supplant activities and services required under Federal, State, or Local laws. The NCLB application has been revised to ask districts to describe the core instructional services the district provides to meet the needs of LEP students. It then asks to describe how the Title III funds will be supplemental to the core instructional services. Additional questions have been added for clarification purposes.
* **Title III Immigrant Education:** The NCLB application for Title III, Immigrant Education, has been updated for the 2011-2012 school year. This is to ensure that these funds are used specifically for immigrant children and youth and not for all LEP students in general.

**LEP Children in Nonpublic Schools**

This is a reminder that services provided by the school district to private school students and teachers under Title III, are required to provide equitable services to private school students and teachers. Each year, districts that have private schools consult with the private school officials to determine how the needs of LEP students will be identified,

The LEA is responsible for assessing the English language proficiency of private school students. The assessment is critical to ensuring, for example, that a student who has a native language other than English is, in fact, LEP.  Details on the kind of assessment and how it will be conducted should be discussed during the consultation process. However, the LEA cannot require a private school to administer an English language proficiency assessment as a condition for equitable participation of the private school students.

Title III, Part A does not require LEAs to administer their State’s annual English language proficiency assessments for identified English learners in **private** schools. However, the LEA is required under the Title IX uniform provisions to consult with private school officials about how the Title III, Part A services provided to private school students and teachers will be assessed and how the results of the assessment will be used to improve those services.

For more complete information, please note that it is posted on the NDE home page at:

<http://www.education.ne.gov/natlorigin/Limited_English_Guidance.html>

Please refer to the following documents:

* English Language Acquisition, Language Enhancement and Academic Achievement and the Participation of Private School Students and Teachers
* Title III Equitable Services for Nonpublic Schools Power Point

**Supplement, Not Supplant**

A reminder that Title III funds cannot be used to pay for any costs associated with the English language proficiency of ELL students. This would include costs for initial student identification AND the costs a district might incur for administering ELDA. NDE pays for the actual ELDA assessment; however, costs that districts might encounter could include part of a person’s salary to oversee the ELDA administration, costs for people to administer the speaking portion of ELDA, etc. For more information about language assessment of LEP students in private schools, please refer to the guidance listed above.

Please note that the U.S. Department of Education has recently issued additional guidance on supplement, not supplant regarding the use of translation services. The power point has been posted on our home page that will provide additional information. Be advised that there are several “scenarios” on that power point. The USED is reviewing those scenarios currently and at this point, I have no “answers” to them.

<http://www.education.ne.gov/natlorigin/Limited_English_Guidance.html>

Please refer to the following documents:

* Use of Interpreters and Supplement not Supplant, April 2011 Webinar
* Supplement Not Supplant July 21 2010 webinar